

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS

MICHAEL SOLIZ,

Plaintiff

v.

COMPLAINT

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE**
Defendant

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff, Michael Soliz (or "Plaintiff"), by and through his attorney, Thomas F. Coleman, complaining of the Defendant, Texas Department of Criminal Justice, because of discrimination and wrongful termination on the basis of gender, national origin and race, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. ("Title VII"). Plaintiff seeks appropriate monetary and other relief to redress the wrongdoing complained of herein, as follows:

INTRODUCTION

1. The issue is gender and racial discrimination against an employee, particularly discrimination fabricating disciplinary warnings based on non-existent events and forcing Plaintiff/employee to resign from his employment on the threat of being terminated and losing his retirement, 401K and other benefits to which he was entitled. Defendant discriminated against Plaintiff on the basis of his gender (male), race and national origin (Hispanic).
2. Gender. Racial and national origin discrimination occurred in Walker County, Texas, when the Defendant intentionally disregarded their Policy and Procedures and threatened discharge of

Soliz after stating several times that there were not enough women in the department and that he “should find somewhere to go before I make you go”, and referring to him as a “wetback” within his hearing and within the hearing of co-workers.

3. Harassment on the basis of national origin is a violation of Title VII. An ethnic slur and other verbal conduct because of Soliz’ nationality constitute harassment because it created an intimidating, hostile and offensive working environment, unreasonably interfered with work performance and negatively affected Soliz’ employment opportunities.

4. SOLIZ will show that race, gender, and national origin were the motivating factors for the discriminatory employment practice, even if other factors also motivated the practice.

5. The employer committed an unlawful employment practice because of race, gender, sex, and national origin, when the employer:

- (1) Threatened discharge of SOLIZ if he did not resign based on three false and pretextual “write-ups”, none of which were violations of any rule or policy;
- (2) discriminated against him in connection with the terms, conditions, and privileges of employment when his supervisor created a hostile work environment stating in his hearing that she wanted more women in the department, that he needed to get another job, that there were too many men in the department, and referred to Soliz as a “wetback” on several occasions in a demeaning manner in reference to his national origin.

II. JURISDICTION AND VENUE

6. Plaintiff Michael Soliz is an individual residing in Montgomery County, Texas. Defendant Texas Department of Criminal Justice is a state agency of the State of Texas operating in Walker County, State of Texas. This Court has original federal question jurisdiction under 28 U.S.C. Section 1331 because this case is brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Plaintiff filed his Charge of Discrimination on October 16, 2020 within 300 days of the date of Defendant's adverse action against him on February 5, 2020, and filed this suit within 90 days of receipt of the "Right to Sue" letter from the EEOC on March 19, 2022. No court has made a determination of the merits of this case.

IV. CAUSES OF ACTION

8. Plaintiff incorporates by reference all the foregoing allegations in each of the paragraphs above as if fully set forth herein.

9. Plaintiff hereby asserts that Defendant's harassment, hostile work environment and threat of termination that forced Plaintiff to resign his employment was in direct violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. Plaintiff has incurred damages due to loss of income in the past as well as in the future, mental anguish, worry and distress due to being subjected to harassment, demeaning comments and threats to his employment over the extended period of time of his employment.

10. Plaintiff specifically pleads his right to recover punitive damages from the Defendant as Defendant acted with intentional and callous disregard for Plaintiff's protected rights. Plaintiff was discriminated against because of his gender, race and national origin, during his period of employment. Plaintiff is entitled to recovery of his costs and attorneys' fees necessarily incurred.

11. Plaintiff's rights were violated when he was forced to resign or face termination for untrue and pretextual reasons, while the real reason was gender, racial and national origin discrimination. Additionally, the conduct described herein created a hostile work environment under Texas law.

V. JURY DEMAND

12. Plaintiff demands a jury on all issues to be tried in this matter. Plaintiff submits the jury demand and herein submits the jury fee.

**VI.
PRAYER**

13. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial, Plaintiff have judgment against Defendant for:

- a. All damages to which Plaintiff may be entitled pursuant to this Original Complaint, or any amendments thereto, including but not limited to back pay, future wages, reinstatement, upgrading, and compensation for benefits not received;
- b. Compensatory damages, including, but not limited to, emotional distress;
- c. Past, present, and future mental suffering;
- d. Reasonable attorneys' fees, as allowed by law (with conditional awards in the event of appeal);
- e. Pre-judgment interest at the highest rate permitted by law;
- f. Post-judgment interest from the judgment until paid at the highest rate permitted by law;
- g. Costs of Court; and such other and further relief, at law or in equity, to which Plaintiff may be entitled, whether by this Original Complaint or by any proper amendments thereto.

Respectfully submitted,

/s/Tom F. Coleman
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